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7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT TACOMA

10 PAMELA FIELDS and TYRONE FIELDS,

11 Plaintiffs,

12 v.

13 STATE OF FLORIDA, *et al.*,

14 Defendants.

CASE NO. C10-5038FDB-JRC

ORDER

15 This Civil Rights Action has been referred to United States Magistrate Judge J. Richard  
16 Creatura pursuant to 28 U.S.C. § 636(b)(1)(A) and 636 (b)(1)(B), and Local Magistrate Judge's  
17 Rule MJR3 and MJR4. The Court, having reviewed plaintiff's application for IFP, complaint and  
18 the balance of the record contained herein, does hereby find as follows:  
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20 Review of plaintiffs' complaint shows that the claims being made call into question the  
21 validity of a pending criminal matter. Specifically, plaintiff raises claims regarding the validity  
22 of a warrant issued by the State of Florida. It also appears Plaintiff Pamela Fields is arguing this  
23 matter on behalf of her husband, Tyrone Fields, who is in custody at the Kitsap County Jail.  
24 Doc. 1. Plaintiff seeks civil monetary damages in the amount of \$2,500,000.00 from the State of  
25 Florida for kidnapping and infliction of emotional distress. *Id.*  
26

1 In June 1994, the United States Supreme Court held that "[e]ven a prisoner who has fully  
2 exhausted available state remedies has no cause of action under § 1983 unless and until the  
3 conviction or sentence is reversed, expunged, invalidated, or impugned by the grant of a writ of  
4 habeas corpus." Heck v. Humphrey, 512 U.S. 477, 489 (1994). The court added:

5 [A] § 1983 cause of action for damages attributable to an unconstitutional  
6 conviction or sentence does not accrue until the conviction or sentence has been  
7 invalidated.

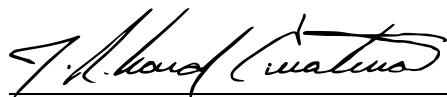
8 Id.

9 Plaintiff's claims call into question the legality of Tyrone Fields' current confinement  
10 arrest and his possible extradition to the State of Florida, based on an outstanding arrest warrant.  
11 Plaintiff must first raise these claims in a state court action, or, possibly, in a petition for writ of  
12 habeas corpus -- not a § 1983 civil rights claim for money damages. Thus, this §1983 civil rights  
13 complaint for monetary damages appears to be premature.  
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15 Based on the foregoing findings, it is hereby ORDERED that **by no later than April 2,**  
16 **2010**, Plaintiff shall either file an amended complaint, curing, if possible, the above noted  
17 deficiencies, or show cause why this matter should not be summarily dismissed. If an amended  
18 complaint is not timely filed or if plaintiff fails to adequately respond, the Court will recommend  
19 dismissal of this action as frivolous pursuant to 28 U.S.C. § 1915, and such dismissal will count  
20 as a "strike" under 28 U.S.C. § 1915(g).  
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22 The Clerk is directed to send plaintiff a copy of this Order and the General Order

23 DATED this 2<sup>nd</sup> day of March, 2010.  
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26 J. Richard Creatura  
United States Magistrate Judge